

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, May 9, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Dorff, Ald. Galvin, Ald. Scannell, Ald. Zima
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Asst. City Attys. Kristen Bohnert & Joe Faulds
Captain John Laux - Green Bay Police Dept.
Chief Andrew Smith, Green Bay Police Dept.
Other interested parties.

1. Roll Call.
The meeting was called to order Chairman Scannell at 5 p.m.
Ald. Dorff, Ald. Galvin, Ald. Scannell, and Ald. Zima were present.
2. Approval of the Agenda.
Motion made by Ald. Dorff, seconded by Ald. Galvin to approve the agenda.
Motion carried.
3. Approval of the minutes from the April 25, 2016 meeting.
Motion made by Ald. Zima, seconded by Ald. Galvin to approve the minutes from the April 25, 2016 meeting. Motion carried.

Chairman Scannell announced that actions taken at this meeting will go forward as recommendations to the City Council for final review at their next meeting.

- 4 Request by the owners of RJ's Garage, 1423 S. Broadway, to include an outdoor area as part of their licensed premises.

Both the Law Department and the Police Department had no objections to this request.

Motion made by Ald. Dorff, seconded by Ald. Zima to suspend the rules to allow interested parties to speak. Motion carried.

Darrell Schmunck - Owner/Operator

Explained this is a temporary request as he does not own the building. He presently has a three year lease with an option to buy. At this time he will install temporary fencing and lighting. The outdoor patio is for smoking purposes only. There will be no music outside.

Ald. Zima confirmed the request is for the summer months only and recommended that approval be based on complaint.

Motion made by Ald. Zima, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Ald. Galvin asked what how complaints of noise or disturbance would affect the license.

Atty. Bohnert explained that the Law Department would be notified by the Police Department if there are citations or other written warnings issued.

Motion made by Ald. Zima, seconded by Ald. Galvin to approve the request by the owners of RJ's Garage, 1423 S. Broadway, to include an outdoor area as part of their licensed premises subject to complaint. Motion carried.

5. Application by Lisa Keith to the denial of her Operator License application.

Atty. Bohnert indicated that the Law Department recommends denial based on past felonies related to controlled substances, drugs, and operating while intoxicated charges. Captain Laux stated that the Police Department concurs.

Ald. Dorff confirmed with legal counsel that if there is a past history, normally any application would be denied, although it is up to the committee to determine if there are any grey areas in the law, especially if the charges are old.

Chairman Scannell added that State law requires that a future license not be granted if there is a felony that pertained to a past license.

Ald. Zima stated the City of Green Bay has at times taken the stance to always follow the recommendation of the law department, which in this case is to deny based on past felonies. He questions whether an individual should never have a license again, but instead the committee should consider the merits of the applicant in their decision. He noted that he has discussed this issue with Judge Zuidmulder noting there have been times licenses have been denied in this community, although accepted in others.

Chairman Scannell referred to his comments about State law above, noting there are at times grey areas to consider. He indicated that the committee in the past has considered the length of time since the last felony and may find it is no longer pertinent to the request for a new license.

Motion made by Ald. Dorff, seconded by Ald. Galvin to suspend the rules to allow interested parties to speak. Motion carried.

Lisa Keith – When asked by Ald. Galvin about her most recent disorderly conduct offense in Oconto County and whether Ms. Keith had been drinking, she replied that she was, however, has made improvements in her life by changing her friends. She states she does not drink and drive or go out as much as in the past. She stated she has worked as a machinist, graduated from college in 1993, however, noted she is presently not working and has been on medical disability. She previously had a license in the Village of Howard (2004-2006), noting her most recent job in Green Bay was at Coaches Corner. She would like

to bartend and has an opportunity to work at the Loading Dock three nights a week.

Motion and seconded to return to regular order of business. Motion carried.

Ald. Zima, noting it has been six years since her last offense, recommended Ms. Keith be given another chance with review in six months or if there are any complaints or violations.

Motion made by Ald. Zima, seconded by Ald. Dorff to approve the application by Lisa Keith to the denial of her Operator License application. Motion carried.

As Ald. Nicholson had a time schedule it was suggested item #'s 8 & 9 be moved forward.

Motion made by Ald. Zima, seconded to amend the agenda and move #'s 8 & 9 forward. Motion carried

(#'s 8 & 9 taken next on the agenda, although shown in proper format here)

6. Request by Ald. Zima that the City consider prohibiting the sale of single cans or bottles of beer and single small bottles of alcohol from convenience stores and liquor stores.

At the last meeting this item was referred to staff. Ald. Zima stated that after review of various ordinances his goal is to prohibit the same of single cans of beer and alcohol from convenience stores and liquor stores in walk about areas of the city.

The Police Department indicated that the city does have a "do not serve list", agreeing there is a problem in a small area of the city where an individual may "panhandle" coins to buy an individual can or bottle. In talking with many businesses or grocery stores, it was found that if individual servings are sold it may be only to try before buying more of the same item.

Zima stated that such a limitation should help the economy rather than harm it, noting that individuals have been seen sitting drinking with their one can on the river front, causing others to be uncomfortable. He opined that such a limitation may cause less crime, panhandling, littering, and police calls. He pointed out that individuals can go into any bar and buy a single drink, noting it is against the law to have open intoxicants. He noted that other communities have had a positive result with the passage of this type of ordinance.

Chairman Scannell asked if Zima was looking at an ordinance or a change in liquor licensing. Zima responded they may have to be combined, stating that a representative of the Neighborhood Association and others were present to provide input.

Motion made by Ald. Zima and seconded to open the floor so that interested parties can speak. Motion carried.

Ben Smits – Owner/Operator of Badger Liquor – West Mason, Green Bay

Mr. Smits expressed an issue with the suggestion to reduce the sale of small bottle sales stating this is a big part of his business. He expects that any change will take business out of the Green Bay area. Smits noted there are several ounce choices in the singles offered, asking for further clarification of what would be prohibited. Zima indicated that would be open for discussion, stating he was opposed to grocery stores having the right to sell single servings, although did note that many liquor stores depend on these sales for part of their livelihood and do have controlled sales. His opposition is toward those individuals who buy a single serving to “swig” it down as that is all they can afford. He is not against those individuals who buy for recipes, gifts, etc.

Smits offered suggestions, referring to City ordinance 8.12 which refers to litter, indicating a similar ordinance could be posted at business doors defining fines related to open bottles, litter etc. Zima noted that his concern is related to drinking and crime, and secondarily littering. Smits explained that the sale of 18 ounce, 24, ounce, and 40 ounce bottles are big for him, that he depends on these sales as he is not a big super market.

When asked how many individuals drive into his parking lot for single sales, Smits indicated that many do. When asked how this does not promote drinking and driving, and Smith indicated that he only hopes they are not.

Ald. Dorff pointed out that research has proven that crime increases around stores that sell single servings, asking Mr. Smits if he is aware of this. Mr. Smits indicated he has no information or knowledge of these statistics.

Zima asked if it is Smits’ contention that those who buy a single serve sale are going home with it and not consuming it right there. Smits indicated he does not know that to be a fact.

Kevin Hurley – Hurley Beverage – University Avenue

Mr. Hurley also indicated that the sale of single cans and bottles of beer or liquor is a huge part of his business. He indicated he was not aware there has been an issue in the City until recently when he was told by Mr. Smits. He has since asked individuals at his business why they are purchasing the smaller quantities and has been told that for many is a means of control over how much they drink. He spoke to competition with grocery stores, noting that many do not offer single sales. He stated that the percentage who purchase with a small amount of change is small.

Tonnie Berner, 226 North Maple

Speaking as a homeowner stated that she lives near Jefferson Elementary School. Stated that litter and glass is a problem related to single serve liquor bottles and beer cans. In addition, she has noticed a problem with transients and drunks who regularly ask for money for cigarettes or liquor, and that graffiti is a problem on telephone poles, etc. Another concern is that her car has regularly been gone through (although she stated she does not always lock it). She went on to report that studies show an increase in gang violence, and violent crime

related to single sales. She stated that a change in ordinance in other communities has shown a decrease in panhandling and public intoxication, theft, open containers, less graffiti, a decline in transients, littering and loitering, a reduction in complaints, unwanted subject instances, assault and battery, police service calls, along with less assault and battery.

Ms. Berner noted that review of ordinances in other areas of the State, Madison for example, show that the only area of the city having a single serve ban is directly downtown. She added there has been a lot of misinformation presented to the public with one of the biggest related to the effect on Packer games. She pointed out that a change in ordinance will only effect the population who have less money are unable to buy more in larger quantities and those who find a quick and easy fix which can cause blight in city neighborhoods.

Ald. Tom DeWane indicated he has been aware of people in his neighborhood who buy single servings for a night of card playing, to have a special celebration drink, etc.

Moved and seconded to return to the regular order of business. Motion carried.

Ald. Dorff asked that more research be done on this issue, asking the Police Department to provide data related to crime statistics and effect on small business.

Ald. Galvin stated he would also like more information, indicating the goal of this item is not to close down business, but rather to alleviate a problem in the community. He requested a comprehensive study from the Police Department with the specific type of calls, the areas involved, the geographical area, and how the sale of individual bottles effect rescue services.

Ald. Zima stated he has no problem with further study with the Police Department asking for a minimum of 30 days for them to bring back the requested information. He stated he has heard from the general public that the city is not upgrading, but rather feel that crime is rising and this may be one of the reasons why.

Chairman Scannell added that the granting of liquor licenses in problematic areas may be a negative, however, questions how it is also related to homelessness.

Motion made by Ald. Zima, seconded by Ald. Galvin to hold the request by Ald. Zima that the City consider prohibiting the sale of single cans or bottles of beer and single small bottles of alcohol from convenience stores and liquor stores until the Green Bay Police Department gets back with more information/data. Motion carried.

7. Request by Ald. Zima, on behalf of Will Liebergen, that the City consider adopting a commercial pedal car ordinance and license.

Ald. Zima stated that Mr. Liebergen would like to purchase a pedal car but is concerned that the City does not have an ordinance.

Police Chief Smith explained that approval would allow a passenger on a pedal car to drive on specific routes with a maximum 36 oz of alcohol. He would be required to get off where he got on. Chief Smith recommended that the Alcohol Drug Task Force be asked for their opinion before making any decision.

It was pointed out that at this time State law allows commercial pedal cars and operation, however, there is no ordinance covering this use in the Green Bay area. Mr. Liebergen would like to bring such a vehicle to the area but is concerned there is not a current ordinance

Concerns expressed by the committee related to speed of the vehicle, congestion with traffic, parking when not in use, etc.

Ald. Zima brought up a concern of alcohol consumption and whether approval of this item could be seen as a double standard when the goal is to diminish alcohol use.

Motion made by Zima, seconded by Dorff to refer to staff with a request to draft an ordinance prohibiting the request, on behalf of Will Liebergen, that the City consider adopting a commercial pedal car ordinance and license.
Motion carried.

8. Request by Ald. Nicholson to review the number of reported shots fired each year for the past ten years.

Motion made by Ald. Zima to refer to staff to bring back information relative to Ald. Nicholson's request – a review of reported shots fired over the past 10 years.

Staff indicated that information from 2008 is easily available, however, earlier than that would need to be done by hand. They asked if Mr. Nicholson wanted statistics with or without hits, those initially reported as fireworks, with witness or without, unfounded/founded.

Motion amended by Ald. Zima, seconded by Ald. Dorff to refer to staff Ald. Nicholson's request to review the number of reported shots fired from 2008 to present. Motion carried.

9. Request by Ald. Nicholson to review the number of violent crimes/sub categories (stabblings) from the past ten years.

Staff clarified that Ald. Nicholson is requesting information related to aggravated batteries/crimes related to stabblings over the last ten years. Staff indicated that there are at times different weapons used.

Motion made by Ald. Zima, seconded by Ald. Galvin to refer to staff the request by Ald. Nicholson to review the number of violent crimes/sub categories (stabblings) from 2008 to present. Motion carried.

(Back to #6 on the agenda)

10. Applications for various licenses for the 2016-2017 license year.
(Attached to agenda)

Motion made by Zima, seconded by Galvin to approve the applications for various licenses for the 2016-2017 license year. Motion carried.

A motion was made by Ald. Zima, seconded by Ald. Galvin to adjourn at 6:25 p.m. Motion carried.

Respectfully submitted by:
Rae G. Knippel
Transcription